

ANNUAL PERFORMANCE REPORT OF THE NOISE SERVICE 2021	
CORPORATE COMMITTEE MEETING DATES 2021/22 8 March 2022	CLASSIFICATION: OPEN If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR Ajman Ali, Neighbourhoods & Housing	

1. INTRODUCTION

- 1.1 This report sets out the annual performance report in relation to noise nuisance for the period 1 January - 31 December 2021.
- 1.2 The Corporate Committee has requested annual reports on how the Council responds to noise nuisance.
- 1.3 Noise nuisance in Hackney continues to receive an approach that looks at statutory noise nuisance and noise arising from anti-social behaviour together, so that the most appropriate action can be taken based upon the individual circumstances of the case. The service area brings together a range of enforcement services, providing the opportunity to apply greater resources to a particular problem area and a better ability for specialists to collaborate and cases to be prioritised.
- 1.4 This report provides an update on the volume of noise complaints, a breakdown of the individual types of noise within the services workload, including Temporary Event Notices (TENs), which continue to place significant demand on existing resources.
- 1.5 In fulfilling its duties the Team provides support to individuals, communities and businesses in Hackney.

2. RECOMMENDATION(S)

2.1 Corporate Committee is recommended to:

- 2.1.1 **This report is for information purposes and Corporate Committee can note the annual performance report for the service.**

3. REASONS FOR DECISION

- 3.1 This report, which is for noting, adheres to the requirement previously agreed by the Regulatory Committee to report annually on the Noise Enforcement service.

4. BACKGROUND

- 4.1.1 On 3rd May 2017 the Community Safety, Enforcement and Business Regulation Service (CSEBR) was established within the Public Realm Division of the Neighbourhoods and Housing Directorate.
- 4.1.2 The new service created an integrated enforcement service, in which all of the enforcement responsibilities were together under one service within three separate teams:
 - Community Safety
 - Enforcement
 - Business Regulation

- 4.1.3 The approach taken as part of the restructuring of the service, was to split noise nuisance reports and service requests into two distinct categories, one concerning commercial operations such as licensed venues or other business related activities, and the other in relation to residential premises dealing with domestic noise situations such as the playing of amplified music, repeated late night parties etc and dealing with these residential issues as Anti-Social Behaviour.
- 4.1.4 Non-uniformed staff consisting of a small team of trained and qualified Environmental Protection Officers (EPOs), focus on noise from commercial premises both through case management and through reactive deployment at times when the noise is occurring including at night.
- 4.1.5 Uniformed Officers are generalists and do not have the specialised training of the EPOs, but will deal on a more reactive basis to residential sources of nuisance. There is crossover and co-working between the teams, and currently uniformed staff continue to receive additional training from the specialist Noise Officers and from external providers. This is particularly so at night, as the specialist noise service can be very stretched during periods of heavy demand.
- 4.1.6 In addition to this, Community Safety and Principal Enforcement Officers (PEOs) who are Ward based deal with the more difficult to resolve and entrenched domestic noise and Anti-Social Behaviour (ASB) cases and also work out of hours.
- 4.1.7 Aside from reactive noise complaint work, the EPOs have additional duties such as; being a statutory consultee for licensing applications, the assessment of and making of representations on TENs, consultations in relation to planning matters and issues related to construction noise and other commercial nuisance.

4.2. Operational Report – Noise and ASB Management

- 4.2.1 The merging of the staff dealing with domestic noise within the previous Safer Communities Service to improve the overall service provision towards noise and Anti-Social behaviour (ASB) has been continued and developed. The clear synergy between these elements of nuisance has been recognised by the government in legislation and consequently noise is included as a category of ASB. The aim of the local changes was specifically to move towards a more uniform approach to managing noise and ASB.
- 4.2.2 This model included a more robust initial service request triage process, using all the information available to the Team, which includes Police information systems and the Intelligence Hub capabilities, leading to better identification of repeat and vulnerable persons which is a key responsibility for Officers.
- 4.2.3 In May 2018, changes were implemented that allowed a simpler and more streamlined approach for residents to complain of noise nuisance issues. Using the online noise reporting service, residents could report instantly at any

time detailing their concerns. This is one of the reasons for the increase in service requests received in that year

- 4.2.4 Residents now receive a same-day acknowledgement accompanied by 'Noise Action Guidance' which will detail next steps and assist with managing expectations. The link to the form is www.hackney.gov.uk/noise .
- 4.2.5 The Enforcement Team was approached in 2019 to work with other services on the 'Report a Problem'. The initial brief was to investigate the functionality of Fix My Street (FMS) and establish if it could extend the use of this tool to improve the customer experience when reporting noise.
- 4.2.6 In addition to providing tools to support citizens and visitors to the Borough, the solution also needed to have capabilities that support the management and resolution of issues reported, with a particular focus on;
- automated triage by category of problem and location of the report
 - management/reduction of duplicate reports
 - ongoing communications regarding the process to resolution
 - reduced repeat contact with the council
 - integration with line of business application to give close to real-time updates on the progress
- 4.2.7 Throughout the process, the vision changed to implement a back-end case management system for noise complaints, that reduced manual intervention from caseworkers and Integrated with the Council system Civica APP which existed before the cyber attack in October 2020.
- 4.2.8 During the corporate response to the cyber attack in October 2020, the Enforcement Team began working with FMS to develop a case management system to provide additional functionality for officers in the service to manage cases whilst a replacement for the previous database was sourced. A new system has now been selected and Officers are working with the provider to install a solution that covers the needs of each team within the service.
- 4.2.9 Following the cyber attack, the service was left with no access to our legacy system, Civica APP and their data, creating a critical need for a replacement. As an immediate consequence, the teams not only have limited historical data available but are using manual methods to collate and process current workloads and cases, creating a strain on resources on an unstable platform which consists of approximately 100 users.
- 4.2.10 Hackney Procurement Board has awarded a contract of four years to a provider for the implementation, annual licensing and maintenance of a database over four years. It also includes the Housing ASB Team, and will reduce the amount of administration around cases, enabling them to work more strategically to reduce repeat incidents. This option requires less development and has faster deployment than options created as part of other programmes within housing.

4.2.11 In January 2022 NoiseWorks was launched and has the objective 'to develop a fully integrated case management solution to effectively manage noise complaints in Hackney. Society Works, a registered charity, has been working with Hackney to develop a secure, cloud-hosted product called "NoiseWorks". They have built all the features for a 'beta' release - including customer views, staff views, and staff case management functionalities. Whilst the system requires improvements e.g. reporting system, it provides all of the features the service requires to receive, assign and manage noise reports and there will be further opportunities to enhance the solution later.

4.2.12 Noiseworks will benefit residents in a number of ways including;

- Enabling officers to work more efficiently and provide a better service to customers e.g. by moving teams away from spreadsheets preventing duplication and reducing human error, enabling them to work on more cases and reduce recurring reports.
- Officers can also merge cases easily, which means if several people have reported the same issues, the team can effectively manage the case.
- Residents can log reports and reoccurrences directly into NoiseWorks securely.
- Residents can view their cases within NoiseWorks, reducing their dependency on reliance on call the contact centre or emailing teams to make updates.

4.2.13 Residents now report noise through the NoiseWorks rather than Fix my Street (Report a Problem). The look and feel of the system is very similar to the previous, as it maintains the same branding and asks similar questions to capture reports. Residents will still have to access view only reports prior to this date through the old system. However they will no longer be able to log updates or add new reports on "Report a Problem". If a resident has reported a noise report prior and they want to provide an update, they will need to report it on the new system to NoiseWorks.

4.2.14 To ensure the introduction of the new system and process are smooth and operate as expected, daily briefings took place over the first two weeks with the respective leads from each of the Teams. This frequency has reduced as Officers become more familiar and comfortable with the system. During this briefing Officers review and ensure cases are being received, assigned and updated correctly by staff and provide an opportunity for concerns to be addressed and fixed quickly.

4.2.15 As the system is being further developed, Officers are capturing improvements and additional development requests. These will feed into the scope for the next phase of work. Examples of current backlog items include data migration and automatic case assignment.

- 4.2.16 Before the system was launched, a Privacy Impact Assessment was completed and approved by Council's Information Management Team to ensure compliance with GDPR requirements. A privacy notice relating to this has been published on the Council's website at <https://hackney.gov.uk/noiseworks-privacy-notice> and provides information about how personal data is used by NoiseWorks.
- 4.2.17 The noise nuisance web page requires a further update to ensure it provides clear and concise information that can be navigated with ease. The online noise nuisance reporting form has been redesigned to allow complainants to complete a more detailed, yet non-taxing self-triage which will allow Officers to receive relevant information, better understand issues and plan an appropriate course of action.
- 4.2.18 When staff receive completed requests during service hours (including out of hours) they are assessed and triaged for engagement if required. Residents can also telephone during normal office hours and out of hours at times when the service is operating, but in busy periods it may not be possible to answer the call and they are directed to the online reporting service.
- 4.2.19 The PEOs undertake a role much wider than that of investigating domestic noise complaints, which includes investigating ASB, Police liaison and supporting a range of crime and ASB prevention initiatives. ASB casework can involve some very complex and protracted investigations with parties sometimes having particular vulnerabilities and multiple needs. These investigations can be very resource intensive and present a challenge when balanced with noise related matters. Officers also undertake enforcement work including the use of Community Protection Warnings and Notices for cases where it proves difficult to witness statutory nuisance, making applications for Closure Orders, Injunctions, and use of all the new powers provided by the Antisocial Behaviour, Police and Crime Act 2014.
- 4.2.20 The service also delivers an out of hour's noise nuisance service from within the resources allocated. The out-of-hours service operates to deal both reactively and proactively with noise Thursday 18.30 to 02.00, Friday and Saturday 21.00–02.00 and Sunday 18.30–02.00. Staff work on a rota to cover this service.
- 4.2.21 The provision of an out-of-hours service is challenging as the demand is unpredictable and at times of peak fluctuation can result in up to twenty service requests in an hour, with a planned maximum of two staff to answer the requests and up to four deployed outside to respond to them. In each reported case research needs to be done prior to responding, to establish past history which could impact on the risk to attending Officers.
- 4.2.22 Equally the time taken to attend a service request and deal with it can range enormously from fifteen minutes to attend an address, provide advice and get a co-operative response that resolves the original complaint, to half a shift spent dealing with for a complex unlicensed music event in a remote area such as Hackney Marshes or a derelict industrial building, often in liaison with

Police. In the case of the latter, there would be no further Officer availability to deploy to other calls received on that shift.

4.2.23 The total volumes of demand (individual contacts requiring a response) for all categories of service request relating to noise nuisance for 2019 are shown in charts 1 and 2 and for 2020 onwards in charts 3 . It should be noted the database used for recording service requests changed in May 2018.

Chart 1, Noise Complaints received 2019

Noise Actions Service requests	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019 Total
Noise Commercial	192	146	239	217	258	237	342	330	281	183	169	171	2765
Aircraft		1	1		1		4	1	1				9
Banging	8	3	3	5	5	4	9	5	7	7	1	2	59
Car Alarm	1	2		4	1		1	1		3	1		14
Construction	34	37	40	47	49	28	43	77	45	29	34	26	489
DIY		1				2	2	1	5	1			12
Dog Barking							4		2	2	2	3	13
Intruder Alarm	8	2	9	12	3	6	12	11	3	12	3	2	83
Music	82	59	123	84	123	129	168	126	125	87	78	100	1284
Noise on the Road (Traffic)						2					1		3
Not specified	36	19	26	39	46	30	49	64	42	24	22	13	410
Others	12	14	16	16	18	23	21	23	25	4	16	11	199
Railway					1								1
Shouting	11	8	21	9	11	13	29	20	26	14	11	14	187
TV				1				1					2
Noise Residential	393	354	390	384	470	471	691	680	529	435	380	339	5516
Aircraft				1		1	1	2					5
Banging	60	58	30	32	38	31	27	36	19	41	30	54	456
Car Alarm	4	9	4	3	7	6	28	7	5	4	3	2	82
Construction	13	7	9	10	9	8	10	4	16	15	12	7	120
DIY	9	4	9	6	7	7	3	9	7	6	1	5	73
Dog Barking	7	10	11	6	9	11	18	19	6	17	8	9	131
Intruder Alarm	9	8	1	2	11	4	4	11	11	12	3	3	79
Music	182	169	239	234	287	328	442	442	334	260	228	185	3330
Noise on the Road (Traffic)				1	1		1						3
Not specified	60	42	36	43	45	24	98	74	54	50	53	36	615
Others	2	3	8	2			1	2	4		2	2	26
Shouting	35	34	34	36	47	41	55	71	65	29	31	32	510
TV	12	10	9	8	9	10	3	3	8	1	9	4	86
Com&Res Total	585	500	629	601	728	708	1033	1010	810	618	549	510	8281

Chart 2 Noise complaints 2019 showing the commercial /residential breakdown

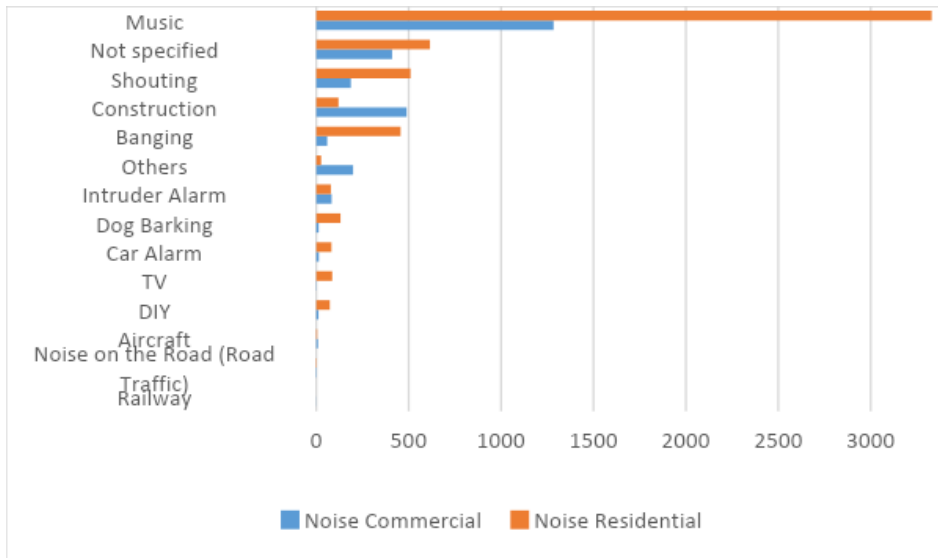
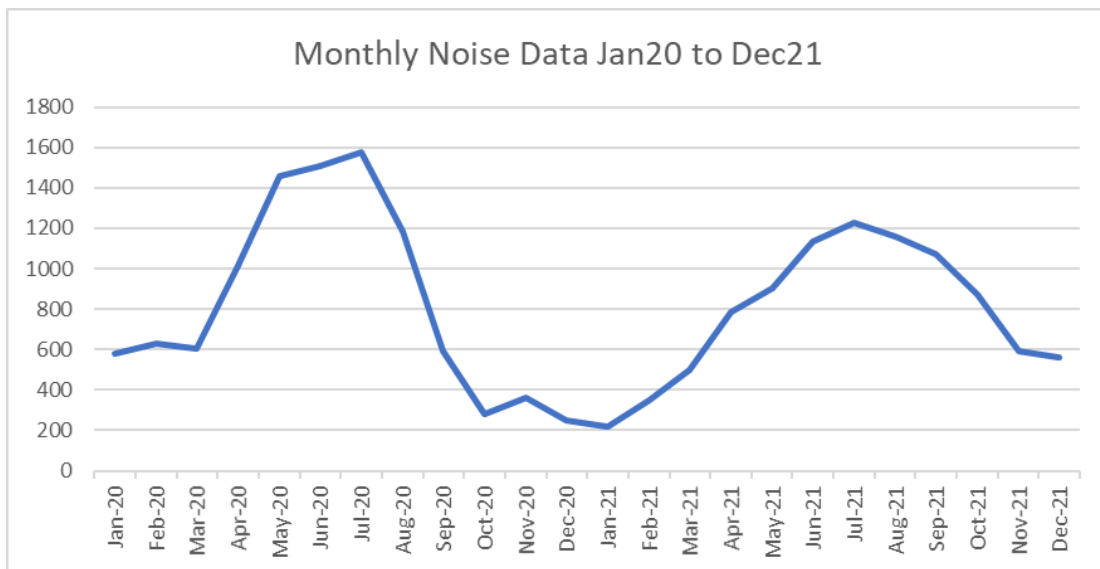


Chart 3 Monthly noise data for period January 2020 to December 2021



4.2.19 In 2020 Coronavirus has had a huge impact in relation to reports of domestic noise in particular, which is likely to be due to the extended period of lockdown between March and July with residents working from home, schools being closed and employees being furloughed.

4.2.20 Compared to the similar quarter in 2019, the number of noise complaints increased significantly for the period April-June in 2020 which was the first period of lockdown. As can be seen there has been a 127% increase in noise

reports in the period September-December 2021 compared to the same period in 2020 which is likely due to there being no restrictions in place.

Chart 4, Comparison of Noise Reports 2019/20-2021/22

Financial Year	Q1	Q2	Q3	Q4	Total
FY2019/20	1989	2656	1654	1815	8114
FY2020/21	3977	3350	894	1064	9285
%Diff 20/21	99.9%	26.1%	-45.9%	-41.4%	14.4%
FY2021/22 (to 13Feb)	2826	3451	2027	1279	9583
%Dif 21/22	-28.9%	3.0%	126.7%	20.2%	3.2%

Chart 5, Residential Noise Reports April-December 2021

Noise Type / Month	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
Noise Residential - Loud Music	240	306	339	423	441	275	294	274	293
Blank	13	39	43	45	36	23	7	13	11
Noise Residential - Children Running Around/Playing Games	61	44	10	12	14	6	12	6	12
Noise Residential - Building Work/DIY	14	19	4	6	3	15	12	12	16
Rowdy Behaviour - Shouting/Swearing	7	17	27	8	14	5	3	15	10
Noise Residential - Barking Dog	6	10	6	5	3	2	1	6	12
Noise Residential - House/Smoke Alarm	3	7	3	10	4	4	4	9	2
Noise Residential - Extractor Fans/ Refrigeration Noise/AC Units	2	2	1		1			1	4
Noise Residential - Other Animal Noise	4	1					3	1	3
Noise Residential - Religious Ceremony/Celebration	10			1		1			
Rowdy Behaviour - Drunken Behaviour		2	4	1			1	1	
Nuisance Behaviour - Street Drinking		1	3				2	2	
Nuisance Behaviour - Youth Congregation		2		1				3	
Pollution - Bonfire Smoke	3			1					
Banging Noise									3
Noise							4		
Fireworks								3	
Noise Other - Roadworks			1				1		
Ball bouncing									1
Banging on Ceiling								1	
banging the wall and ceiling				1					
banging, screaming, moving chairs, cussing							1		
DIY and shouting									1
Flushing Toilet								1	
Harassment								1	
Highway obstruction					1				
Loud music							1		
Nuisance Behaviour - Games in Restricted Areas				1					
Pollution - Light Pollution							1		
Grand Total	363	450	441	515	517	331	347	349	368

Chart 6, Commercial Noise reports Jan-Dec 2020

Noise Service requests 2020	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Noise & Nuisance Complaints (Music, Alarms, Odour, Light etc)	252	175	117	125	189	274	29 8	252	219	-	203	219	2323
Noise Complaints - Construction Noise	30	48	36	75	70	81	70	61	71	-	-	-	542
Planning Applications	21	24	18	38	24	30	21	16	33	-	41	18	284
Licensing Applications	13	6	17	9	11	33	27	12	20	-	18	2	168
Section 61 Applications	40	22	33	5	12	11	16	8	20	-	12	8	187
Total Monthly	356	275	221	252	306	429	43 2	349	363		274	247	

Chart 7, Commercial Noise reports Jan-Dec 2021

Noise Service requests 2021	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Noise & Nuisance Complaints (Music, Alarms, Odour, Light etc)	176	143	144	195	181	293	247	239	340	207	181	118	2464
Planning Applications	30	39	33	28	23	32	26	22	30	21	16	13	313
Licensing Applications	2	1	0	4	23	3	18	19	12	18	13	19	132
Total Monthly	208	183	177	227	227	328	291	280	382	246	210	150	2909

4.2.21 The figures above relate to new and unique cases that are raised, but do not reflect the complete workload of the team. The method of working previously undertaken was designed to identify repeat calls and make ongoing management of cases more effective. The initial triage process when new service requests are received, in addition to physically logging a case, required research to ensure past history and action is collated so that a full history is available. With the introduction of Noiseworks this should no longer be required.

4.2.22 The activities of the EPOs, especially in respect of commercial licensed premises, are routinely directed through the weekly tasking process where inspections and engagement are co-ordinated. Officers work closely with the Licensing section and are routinely involved in all Licensing consultations and

applications. Officers also lead on taking for licensing reviews through the Licensing Committee and the Courts.

4.2.23 In summary, the approach balances a need to have a service that can respond to service requests for Officer attendance at incidents with a proactive approach that appoints Officers to investigate often complex cases that have high risk or vulnerability attached and/or involve persistent perpetrators or premises.

4.3 Temporary Event Notices (TENs)

4.3.1 The Licensing Act 2003 is the empowering legislation for TENs, implemented in November 2005. There have been three subsequent legislative changes, the first was a Legislative Reform Order (LRO) in July 2010 and implemented in October 2010. This minor change gave Police Licensing teams three working days to respond to a TEN from the previous maximum of two days.

4.3.2 The second change was the Police Reform and Social Responsibility Act 2011 that came into effect in April 2012. This was more substantive and had a significantly wider scope than the earlier LRO and had the effect of:

- enabling an objection to a TEN to be based on all four of the licensing objectives rather than just the prevention of crime and disorder.
- allowed the Environmental Health Service to be able to object to a TEN in addition to the Police.
- extended the period for which an objection could be made from 2 working days to 3 working days.

4.3.3 However it also allowed the "late TEN" which saw the number of TENs received in Hackney increase by around 25% in the first year. The third was the Deregulation Act 2015 that came into effect in January 2016. This increased the maximum number of TENs a premises can have from twelve to fifteen per calendar year.

4.3.4 The number of TENs received has increased considerably over recent years, placing a considerable demand on Police Licensing, Council Licensing and EPOs dealing with noise from commercial premises. The Responsible Authorities (RAs) of which Environmental Protection is one and the Police the other in the case of TENs, have the responsibility to ensure minimal public nuisance is caused by the granting of TENs. However the legislation is extremely permissive for the premises user and specifies rigid timescales for response/refusal that if not met mean automatic acceptance of the TEN.

4.3.5 To consider whether an objection should be made, research needs to be undertaken in respect of the past history of the premises user and premises to identify any risks. This can be particularly time-consuming and challenging when set against the volume of TENs received and timescales imposed by the legislation. As part of the integrated service, one Officer has been dedicated to dealing with TENs to make the careful assessment of which TENs to make a representation on, thus targeting those TENs which stand out as the most

obvious through risk, enforcement, evidence or ones that have been historically problematic.

4.3.6 Additionally all TENs that have been issued are scrutinised at the regular weekly tasking meeting and potential events that need particular attention from a noise or ASB perspective are flagged by the Intelligence Hub. Enforcement resources may then be allocated to ensure that problems are prevented or reported on to prevent further occurrences through the licensing application processes.

Differences and similarities between Standard and Late TENs for comparison

Variable	Standard TEN	Late TEN
Number of working days' notice required before event	10	5 minimum 9 maximum
Maximum number of TENs permitted per calendar year by type for a personal licence holder	50	10
	50 maximum per calendar year	
Maximum number of TENS permitted per calendar year by type for a non-personal licence holder	5	2
	5 maximum per calendar year	
Rights of appeal after a representation made	Full rights	None
Maximum number of TENs for a single premises in one calendar year	15	15
Maximum duration of any one TEN	168 hours (7 days)	
Maximum number of days permitted for a premises to be used for activities authorised by a TEN in one calendar year	21 days	
Minimum time required to elapse between TENs	24 hours	

4.3.7 The demand in Hackney has been disproportionately high which has the second highest number of TENs in London.

4.3.8 TENs can be seen as a barometer of activity as the number of these received generally reflects the level of activity and participation in the NTE.

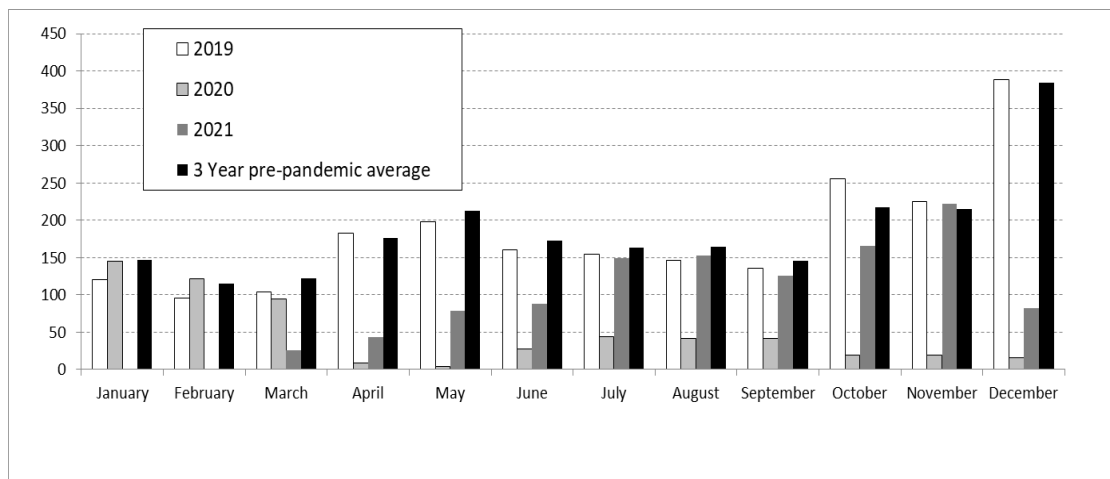
4.3.9 Following the onset of the pandemic, the number of TENs received saw the biggest fall of all activity types administered by the Licensing Service. The chart below highlights the impact of the requirements for businesses to close

during the lockdown periods throughout 2020 followed by a gradual increase in activity during 2021.

4.3.10 The gradual increase lasted until November 2021, which saw numbers return to the average typically received during the month. However, the onset of the Omicron variant and an increase in objections to TENs by the Police led to the December figure of around a fifth of the typical number for the month.

4.3.11 The Service expects the numbers of TENs to recover or even exceed normal levels during 2022 as the impact of the pandemic reduces. Also the number of TENs allowed in a calendar year is increased for two years following a change to regulations by the Home Office.

4.3.12 The Queen's Jubilee celebrations this June are expected to lead to a further influx in TENs and other events during the year where volumes received are traditionally high, such as for bank holidays, Halloween and December, should also return to normal.

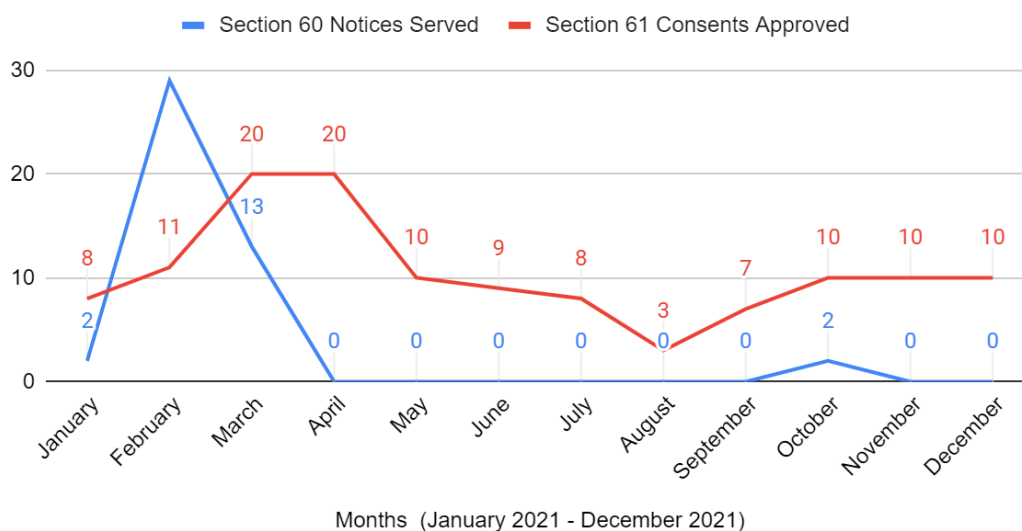


4.4 Construction Noise

4.4.1 Construction noise normally manifests itself as a result of planning permission being approved for development and normally after actual work on site starts. The amount of construction in the borough has increased considerably in the past ten years and this has led to an increase in the average number of notices served or applications for consents approved under s60 and s61 of the Control of Pollution Act 1974. In the period January–December 2021, 46 s60 notices were served while 126 consents were issued, which is shown in the charts below. Many of these require very detailed negotiations and many site visits throughout the lifetime and various phases of each construction project.

Months (January 2021 - December 2021)	Section 60 Notices Served	Section 61 Consents Approved
January	2	8
February	29	11
March	13	20
April	0	20
May	0	10
June	0	9
July	0	8
August	0	3
September	0	7
October	2	10
November	0	10
December	0	10
Total	46	126

Section 60 Notices Served and Section 61 Consents Approved - January 2021 - December 2021



5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

5.1 This report requests the Corporate Committee to note the annual performance in relation to noise nuisance for the period 1st January to 31st December 2021.

5.2 There are no immediate financial implications as the report notes retrospective data for 2021. The cost of the Noise Enforcement Service is managed within the Community Safety and Enforcement Budgets.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

6.1 The content of this report is for informative purposes and sets out the annual performance report in relation to noise nuisance for the period 1st January to 31st December 2021.

6.2 There are no legal implications arising from this report.

APPENDICES

None

BACKGROUND PAPERS

None

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